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## Proposal for the establishment of an adequate maritime administration in Trinidad

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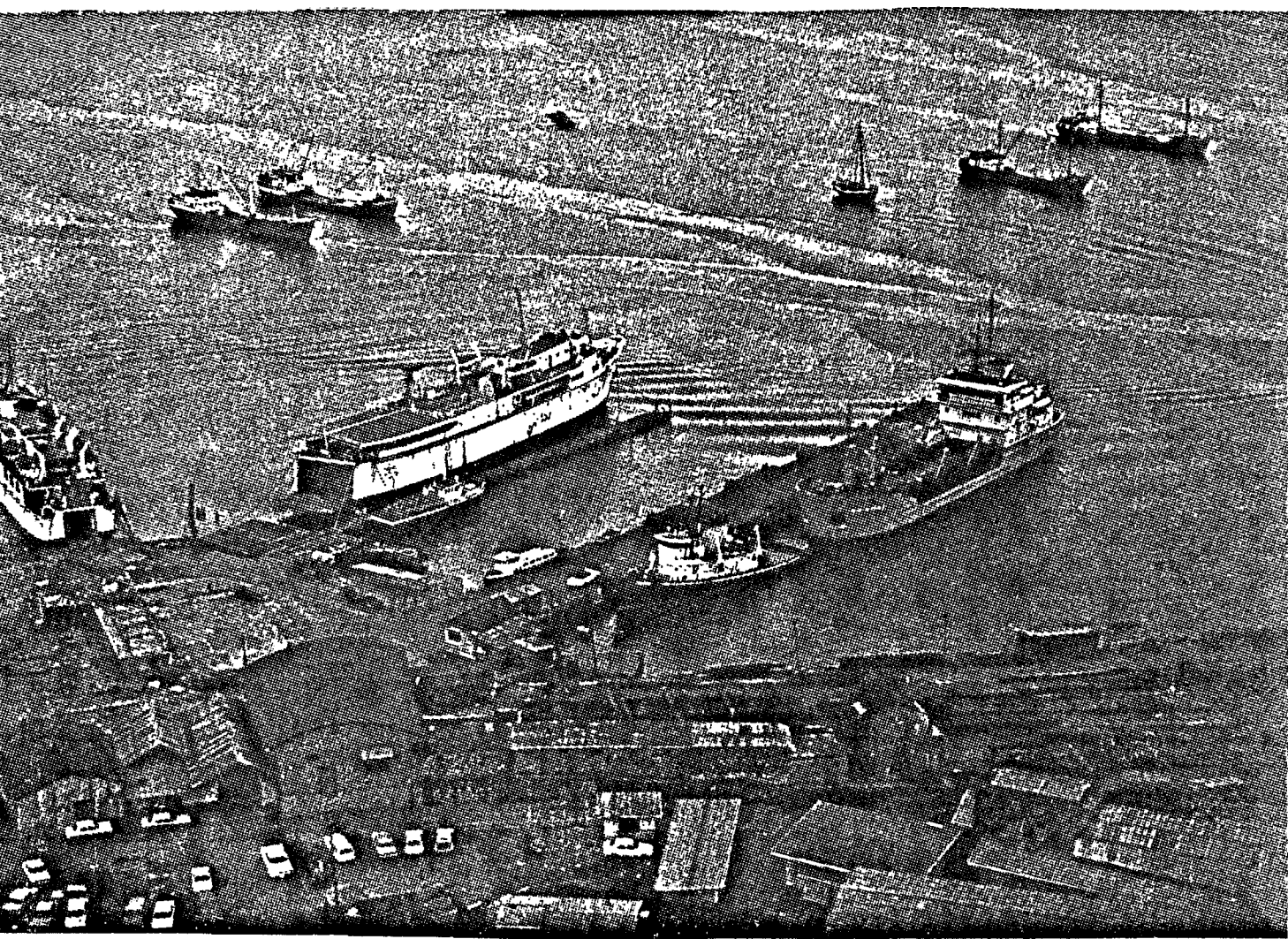
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**A PROPOSAL FOR THE ESTABLISHMENT  
OF  
AN ADEQUATE MARITIME ADMINISTRATION  
IN  
TRINIDAD AND TOBAGO**

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BY

**MICHELLE G. SQUIRES**

WORLD MARITIME UNIVERSITY  
MALMO, SWEDEN

A PROPOSAL FOR THE ESTABLISHMENT OF  
AN ADEQUATE MARITIME ADMINISTRATION  
IN TRINIDAD AND TOBAGO


BY

MICHELLE G. SQUIRES

A paper submitted to the Faculty of the World Maritime University in partial satisfaction of the requirements for the award of a

MASTER OF SCIENCE DEGREE  
in  
MARITIME ADMINISTRATION

The contents of this paper reflect my personal views and are not necessarily endorsed by the University.

Signature: 

Date: 10/11/86

Supervised and assessed by: Dr Edgar Gold  
Dalhousie University  
Halifax, Canada

Co-assessed by: Aage Os  
Professor, WMU

*To Pearl and Harold  
and  
In memory of June*

## ABSTRACT

*This study was undertaken with a vision of how Trinidad and Tobago's maritime administration should be organized. Its main objective is to propose an organizational structure which would best suit the needs of the nation.*

*It is hoped that the core of personnel constituted to establish the proposed Directorate will use this manual as an information guide to be elaborated where necessary. The basic information contained in this manual can assist this task force in knowing where we are today, where we should like to go and how we should get there. Chapter III will be of special assistance in the formulation of a much needed maritime policy without which the new maritime legislation, currently under consideration, will not be complete.*

*It is my sincere hope that this manual will accomplish the task for which it was designed.*

*Michelle Squires  
Malmo, Sweden  
October, 1986*

## PREFACE

Trinidad and Tobago, as an archipelagic state, is becoming increasingly aware of the importance of its closer involvement in maritime affairs. However, to date, responsibility for the management of maritime activities has been shared by a multitude of organizations resulting in very little effective co-ordination being possible.

It has long been realised by the officials employed in the maritime field, that, in order to eliminate overlap and increase efficiency, some type of organization must be established to co-ordinate the maritime activities of Trinidad and Tobago.

The purpose of this study is to show just how such an organization may be established, keeping in mind the economic difficulties currently being faced by Trinidad and Tobago in particular, and the world in general.

This study will outline, the present organization of maritime affairs in Trinidad and Tobago as well as highlight the problems currently being experienced as a result of this particular type of organization. Additionally, a proposal will be made for the establishment of the most suitable maritime administration needed to satisfy Trinidad and Tobago's needs. In the execution of this task, it is intended to briefly discuss the maritime policy and legislation currently needed in Trinidad

and Tobago. Finally, the study will highlight the sources of technical assistance available in this field, of which Trinidad and Tobago may take advantage in upgrading its present maritime structure.

This study has been limited to solving the peculiar problems which are currently being experienced by Trinidad and Tobago. However, it can be suitably adapted to the needs of most developing countries in similar circumstances.

Since very little information on Trinidad and Tobago's involvement in maritime affairs has been documented, the method of research used has been restricted to interviews conducted with officials employed in the various related fields. The information contained in this study is therefore limited to the information received through these interviews as well as the few documents which have been produced to date. A list of all the officials interviewed is attached at Appendix I.

In this study, the term "maritime administration" will be used relatively often. In the context used, "maritime administration" is taken to mean the administration or management of all the maritime activities of a country. Such management to be performed by one co-ordinating body liaising very closely with other related organizations.

When the term "maritime safety administration" is used, it is meant to signify that part of a maritime

administration which oversees or manages the safety aspects of the country's maritime activities, paying very close attention to the minimum standards established by the International Maritime Organisation. A "maritime safety administration" is, therefore, a division of the overall "maritime administration".

The term "maritime activities" signifies all activities relating to the sea. This would include shipping, ports, fisheries, marine scientific research as well as all other activities concerned with the administration of maritime affairs in the country.

\*\*\*\*\*



## ACKNOWLEDGMENTS

*I wish to offer my deep gratitude to the officials listed at Appendix I, who patiently answered my many questions thereby facilitating the compilation of the information used as a background to my proposal.*

*I also wish to specially thank the following persons whose guidance, encouragement and support were of invaluable assistance in the completion of this study.*

<i>Dr. Edgar Gold,</i>	<i>Professor, Dalhousie University, Halifax, Canada</i>
<i>Mr. L. Motiuk,</i>	<i>Director, Training, Coordination and Control, Transport Canada</i>
<i>Mr John Froese</i>	<i>Chief, International Training Program Coordinator, Transport Canada</i>
<i>Ms Joyce Alcantara</i>	<i>Permanent Secretary, Ministry of Public Utilities and National Transportation, Trinidad</i>
<i>Ms Ina Nicholson</i>	<i>Shipping Adviser to the Minister of Public Utilities and National Transportation, Trinidad</i>
<i>Lt. Cmdr G. Arnold</i>	<i>Harbour Master, Harbour Master's Division, Trinidad and Tobago</i>
<i>Ms Dwynette Eversley</i>	<i>Administrative Officer in charge of Shipping Matters, Ministry of Public Utilities and National Transportation, Trinidad</i>

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# PART I

## Chapter 1

### INTRODUCTION

#### 1.1 Trinidad and Tobago - A Brief Overview

Located in the Caribbean Sea, Trinidad and Tobago are the most southerly of the chain of islands which extends from Florida in the north to Venezuela in the south. These two larger islands, with their numerous smaller islands, the combined area of which is 5,128 square kilometers, has been declared an Archipelagic State in accordance with the International Law of the Sea.

The main islands which form the country of Trinidad and Tobago, are located at approximately 10 degrees north latitude and 61 degrees west longitude. Trinidad is approximately 80km in length and 59km in breath, while Tobago, which lies 32km to the north east of Trinidad, is approximately 41km in length and 12km in breath.

In the south, Trinidad is seperated from South America by a narrow 14 km passage called the Serpent's Mouth (Boca de la Sierpe). In the north, the island is separated by a 19 km passage called the Dragon's Mouth (Boca del Dragon) which is broken into channels by 3 smaller islands belonging to Trinidad and Tobago's arhcipelago.



There are approximately 23 smaller islands off the coast of Trinidad and Tobago. Altogether, the islands have a population of 1.2 million persons of multi-ethnic and multi-religious backgrounds. Despite being extremely close to South America physically, the official language in Trinidad and Tobago is English.

Trinidad and Tobago was a British colony up until the 31st August, 1962 at which time it became an independent member of the Commonwealth of Nations. The Governor-General, however, continued to represent Her Majesty, the Queen of England, as Head of State up until 1976, when a new constitution was adopted making Trinidad and Tobago a Republic. She however elected to remain within the Commonwealth.

With a President as Head of State and a Prime Minister as Head of Government, Trinidad and Tobago's political system places great emphasis on parliamentary democracy with the separation of legislative, judicial and executive powers. The internal affairs of Tobago are administered by the Tobago House of Assembly which was established in 1980.

As a member of the United Nations, Trinidad and Tobago has maintained a consistent policy of non-intervention in the internal affairs of other states and observes strictly the principle of non-alignment.

The economic system of the country is a mixed one, in which the State, the local private sector and the foreign private sector participate. The mainstay of the economy is petroleum and petroleum-related products which

account for approximately 24% of the GDP./1/ The economy of the country benefitted from increases in oil prices after 1973 but has suffered as a result of the price decline after 1980.

As a consequence, the country has been forced to develop a plan which has as its goal the equitable sharing of the costs of adjustment as well as the creation of new growth in the economy, through harnessing the oil and gas potential and placing a greater emphasis on tourism and the revitalisation of agriculture. Efforts are being made to diversify the economy and to deepen the industrial process. The manufacturing output has been expanded by the coming on stream of basic petro-chemical projects, investment in a methanol plant and an ammonia plant, expansion of the cement plant and development of the steel mill, all geared for the international market. Trinidad and Tobago is, therefore, endeavouring to develop from principally an exporter of raw materials and primary products to an exporter of internationally competitive processed and finished products.

Efforts have also been made at regional economic integration in the Caribbean and Latin America. Trinidad and Tobago is a member of the Caribbean Community (CARICOM) and the Economic Commission for Latin America and the Caribbean (ECLAC). The country has also joined with other Caribbean States in the establishment of the Caribbean Development Bank (CDB), the Caribbean Food Corporation (CFC) and the Caribbean Multilateral Clearing Facility (CMCF). The Caribbean Aid Council (CAC) has been established by the government of Trinidad and Tobago to assist its CARICOM partners with their balance of payment difficulties. These institutions endeavour to

promote peace and stability through national, regional and international economic co-operation and development. A full list of the regional organizations, of which Trinidad and Tobago is a member, is attached at Appendix II.

As a member of the United Nations since 19th September, 1962, Trinidad and Tobago also participates in many of its bodies, conferences and specialised agencies, a list of which can be found at Appendix III.

#### 1.2 Trinidad and Tobago as a Maritime Nation

Trinidad and Tobago, as an Archipelagic State with jurisdiction over both the sea and the sub-marine areas around its islands, is, by definition, a maritime nation. Communication by sea, both between the islands and externally, is vital to the survival of this nation where imports are generally larger than exports. This, coupled with the fact that, Trinidad and Tobago are islands with certain physical attributes such as beaches, reefs and fisheries, make it imperative that the relevant authorities in the Republic pay close attention to its maritime-related activities.

To facilitate its trade, Trinidad and Tobago has invested both in a national and in a regional shipping line. The Shipping Corporation of Trinidad and Tobago (SCOTT) owns and operates two methanol tankers and charts several vessels to ports in North America and Europe. The West Indies Shipping Corporation (WISCO) is jointly owned by all the members of CARICOM but the largest share, 40%, is owned by Trinidad and Tobago and therefore, the headquarters of the corporation has been placed in Port-of-Spain, the capital of Trinidad. WISCO

operates four general cargo vessels in the region, plying as far north as Miami.

The government of Trinidad and Tobago is also involved in shipping through its coastal service, the Government Shipping Service, in which it operates two motor ferries linking Trinidad with Tobago. In addition to the fishing fleet operated by the National Fisheries Company, there are approximately 1,500 privately owned fishing vessels and numerous pleasure craft making use of the waters in and around Trinidad and Tobago every day.

It can clearly be seen, therefore, the necessity for Trinidad and Tobago to stay abreast, at all times, of developments in shipping, fisheries technology, the law of the sea, maritime safety and marine scientific research, which are the maritime-related activities of major concern to a small nation such as Trinidad and Tobago. Consequently a well-formulated maritime policy and effective maritime legislation is indispensable.

In Trinidad and Tobago, governmental responsibility for maritime affairs have traditionally been shared between many different ministries and agencies. This is due mainly to the lack of a clearly defined maritime policy. Added to this is the fact that national problems of providing adequate running water, electricity and public transportation for the people of Trinidad and Tobago, have, of necessity, caused maritime matters to be viewed as being of very low priority. However, in recent years, with the rise in revenue during the oil boom, the urgency for water, electricity and public transportation has been reduced and the government has now begun to involve itself more in various maritime activities. As a result

of this rise in activity on the part of the government, the present method of dealing with maritime matters has become grossly inadequate and, in most cases, causes more problems than it solves.

The ministries / agencies currently sharing maritime responsibilities and a discussion on their respective degree of involvement, have been outlined in the following chapter. A close examination of the information given would easily reveal where there is overlap, wastage and, in some cases, no work carried out, due to the lack of effective co-ordination and adequate legislation.

\*\*\*\*\*

## Chapter 2

### ~~X~~ TRINIDAD AND TOBAGO'S CURRENT MARITIME ACTIVITIES

The Ministry of Public Utilities and National Transportation has traditionally been responsible for the development of port and shipping policy, maritime safety, telecommunications, meteorology and for the monitoring of developments in related international organizations of which Trinidad and Tobago is a member. However, it must be noted that this Ministry has many other responsibilities as well, none of which relate to the maritime field. These responsibilities involve the provision of adequate electricity, drinking water, public transportation, postal services, printing services, telephones, licensing of vehicles, civil aviation and road safety.

There are several other ministries which have a role to play in the administration of maritime affairs. These are the Ministry of State Enterprises; the Ministry of Energy and Natural Resources; the Ministry of Agriculture, Lands and Food Production; the Ministry of Finance; the Ministry of National Security; the Ministry of Health and; the Ministry of External Affairs. Most of these Ministries have agencies or divisions with maritime-related responsibilities which will be outlined later in this chapter. Also involved are the Shipping Association of Trinidad and Tobago; the Pilotage Association; Carib-bean Dockyard Limited (CARIDOC) and the Seamen and Waterfront Workers Trade Union (SWWTU).

## ✓2.1 The Ministry of Public Utilities and National Transportation

This Ministry has eight divisions, the directors of which report directly to the Permanent Secretary, the chief executive of the Ministry. The divisions which have some involvement in maritime activities are the Harbour Master's Division, the Meteorological Division and the Telecommunications Division. The Harbour Master's Division is responsible for maritime safety in the waters of Trinidad and Tobago. His role will be discussed in more detail below. An organizational chart of this Ministry is attached at Appendix IV.

The Directors of Telecommunications and Meteorology do not, at present, play a large role in Trinidad and Tobago's maritime affairs except to issue up-to-date information as required.

The Chairmen of the statutory authorities report directly to the Minister while the Permanent Secretary liaises with their General Managers. The Port Authority is the only statutory authority relevant to this study, falling under the responsibility of this Ministry.

Additionally, in order to better carry out his task, the Minister has been assigned a shipping adviser who advises him on all matters concerning Trinidad and Tobago's involvement in shipping.

## ✓2.2 The Harbour Master's Division

The Harbour Master's Division, a division of the Ministry of Public Utilities and National Transportation,

is governed by the Harbours Act 13 of 1880, the latest amendment to which was made in 1949. The Harbours Act declares that there shall be "such number of Harbour Masters and Assistant Harbour Masters of Harbours declared under this Act as may be required for the purposes of this Act" and that they should be public servants./1/

At present, there is one Harbour Master and one Assistant Harbour Master with jurisdiction in the harbours of Port-of-Spain; San Fernando/Point Lisas; Scarborough and; Brighton/Icacos. This unfortunately leaves quite a lot of the ships which enter territorial waters uncontrolled, since many of the ports currently in operation do not fall within these declared harbours.

The Harbour Master, who is also Superintendent of Lighthouses, is responsible for the technical and administrative work required in the direction and control of shipping activities in the territorial waters of the country. He has several tasks, some of which are not currently being executed due to the lack of adequate qualified staff and up-to-date legislation. In the execution of his responsibilities, the Harbour Master gives advice to government and to the public on safety of navigation in the country's territorial waters. He directs the enforcement of all maritime regulations and pollution laws. He is responsible for safety of shipping and this responsibility is carried out mainly through the provision, maintenance and protection of all coastwise navigational aids; the issue of Warnings to Mariners; assisting in investigations into oil pollution in territorial waters and; the co-ordination of maritime search and rescue, (a function which has recently been transferred to



the Coast Guard, being the organization most equipped for such a task).

The Assistant Harbour Master has responsibility for the examination of candidates for certificates of competency for Motor Launch Captains; Pleasure Boat Operators and any other categories of seafarers required. He makes periodic inspections of ships operating within the territorial waters to ensure that they are properly certified and conform to the standards of safety and seaworthiness necessary. He also listens to complaints of seafarers and initiates action to solve the problem. He is responsible for inspections of harbours, ports, lighthouses and navigational aids, ensuring that they are properly maintained, are working efficiently and conform to safety standards.

The Shipping Master and the Assistant Shipping Master are mainly responsible for the welfare of the seamen; signing on and off of crews; registering births and deaths that occur within the harbour limits; keeping a record of droghers and launches and their payment of licenses and; making arrangements for surveys of marine vessels.

There are certain functions that should be carried out by this division but are not, due to outdated legislation and lack of staff. These include the direction and control of the movement of dangerous cargo in ports; certifying the safety of launches and passenger vessels and; investigating pollution of the water from sources other than oil.

Under the Merchant Shipping Act of 1894, which is

// delete.

the only maritime legislation existing in Trinidad and Tobago at present, the responsibility for casualty investigations, surveys of passenger ships, load line inspections and registration of ships rests with the Customs and Excise Department. This situation has not yet been amended and the problems caused as a result are many.

*delete*

### ✓ 2.3 Port Authority of Trinidad and Tobago

Trinidad and Tobago has four public ports located at Port-of-Spain, Scarborough, Point Lisas and San Fernando as well as twenty-one private ports (a list of which is at Appendix V). The port of Port-of-Spain is the main public port of the country handling nearly all the general cargo imported and exported. The port of Scarborough serves mainly as a receiving point for feeder services from the port of Port-of-Spain. The port of Point Lisas is an industrial port administered by the Point Lisas Industrial Port Development Corporation (PLIPDECO) which is a state-owned enterprise (see Section 2.8). The port of San Fernando serves mainly fisheries as well as some coastal shipping.

*revised in light of deep-water harbour facilities*

The Port Authority of Trinidad and Tobago (PATT) is a semi-autonomous body which manages and operates the ports of Port-of-Spain and Scarborough. The port is, however, directly managed by a General Manager who reports to the Authority and also liaises with the Permanent Secretary of the Ministry of Public Utilities and National Transportation.

The main functions of the Port Authority is to develop the harbours of Trinidad and Tobago, operate port

services and collect dues and charges in accordance with the Port Authority Act 39 of 1961. This includes:

- "(a) the provision and maintenance of facilities for the entry and berthing of ships, the landing and embarkation of passengers, the loading, unloading, storage and warehousing of cargo;
- (b) the provision and maintenance of equipment for hoisting, lifting and transportation of cargo;
- (c) the erection, equipment and maintenance of quays, wharves, jetties, locks and piers;
- (d) the provision of docking facilities, slipways and machine shops;
- (e) the provision of lights and beacons subject to the approval of the Harbour Master, towage services, firefighting services, watering services, bunkering services, rescuing services, dredging services, salvage services, repair services, and such other services as are ordinarily required by ships coming into port in the course of their voyages."/2/

#### ✓ 2.4 The Government Shipping Service

The Government Shipping Service is a service supplied by the government for the transportation of passengers and cargo between Trinidad and Tobago. The service is currently operating two Ro-Ro ferries, one of which is state-owned and the other chartered. A new vessel is currently under construction which is intended to replace the chartered vessel.

two vessels

Under the Port Authority Act 39 of 1961, the Authority has been given the responsibility of operating the service as an agent of the government. The service is operated separate and apart from the port services. It is operated on a regular basis and any deficit suffered is met by the government. The operation of the Government Shipping Service is monitored by the Ministry of Public Utilities and National Transportation and any decision to purchase or charter new vessels comes through that Ministry.

revising the  
primary  
descriptions  
from  
port profiles

## ✓ 2.5 The West Indies Shipping Corporation

The West Indies Shipping Corporation (WISCO) is a regionally-owned shipping corporation of which Trinidad and Tobago owns 40%, the largest share. WISCO was established "to operate and maintain an orderly, adequate, regular and efficient intra-regional merchant shipping service to and from participating states".<sup>13/</sup> The corporation also has the mandate, under Act 17 of 1977, to operate to non-participating states within and outside of the Caribbean region.

The membership is shared among Trinidad and Tobago (40%), Jamaica (30%), Barbados (10%), Guyana (10%), with the last 10% divided among the countries of Antigua, Dominica, Montserrat, St Christopher/Nevis, St Vincent, Grenada, Belize and St Lucia. WISCO's services also extend to Miami, the Dominican Republic and Puerto Rico (the latter, on an inducement basis).

WISCO operates four vessels, two of which are owned and two of which are chartered. The corporation owns one other vessel which is, at present, for sale.

WISCO is not yet operating at a profit but tonnages have recently increased. The corporation belongs to a conference called the Florida/Caribbean Liner Association. Trinidad and Tobago's interests in WISCO is monitored by the Ministry of Public Utilities and National Transportation.

*the social  
has changed*

## ✓ 2.6 Shipping Company of Trinidad and Tobago

The Shipping Company of Trinidad and Tobago (SCOTT) is a state enterprise and therefore falls under the responsibility of the Ministry of State Enterprises for the purpose of monitoring its activities.

SCOTT owns two methanol tankers, one product tanker and one LPG tanker. The two latter vessels are used for the transportation of gasoline, diseline and LPG. They have been chartered by the National Petroleum Marketing Company Ltd (NPMC) with SCOTT providing the master, chief engineer and any other officers required.

SCOTT operates liner services to the USA, Canada, Belgium, Denmark, France, Germany, Netherlands, Sweden, the UK and Japan, with the use of chartered vessels. The company also provides a brokerage service in cases where shippers have exceptional requirements. Additionally, SCOTT ships bulk and specialized cargo when the need arises.

SCOTT has instituted a training scheme in which officers are trained on all the various types of ships operated by the company. However, without the existence of up-to-date merchant shipping legislation, the SCOTT management has had to model their training and certifica-

tion after that which the company believes would be most acceptable to the government when such legislation is drafted i.e. the commonwealth (UK/Canadian) format.

## ✓ 2.7 Point Lisas Industrial Port Development Corporation

The port at Point Lisas is an industrial port administered by the Point Lisas Industrial Port Development Corporation Ltd. (PLIPDECO). PLIPDECO is a state enterprise and, therefore, monitoring responsibility for this corporation falls within the Ministry of State Enterprises.

Certain industries are located on the Industrial Estate within which the port is located. These include the Iron and Steel Company of Trinidad and Tobago (ISCOTT), Fertilizers of Trinidad and Tobago (FERTRIN), Federation Chemicals (FEDCEM), Trinidad Nitrogen Company (TRINGEN), a Methanol plant and an Urea plant. PLIPDECO was established to manage the industrial estate as well as the port at Point Lisas.

Terminal facilities at the port enable the handling of both solid and liquid bulk cargo. There is a general purpose berth for the handling of containerized, unitized and general cargo as well as specialized berthing facilities used for the export of the products of the Point Lisas Industrial Estate. ISCOTT operates its own marine terminal.

Products handled at this port include iron ore, limestone, scrap iron, finished iron and steel products, anhydrous ammonia, granular urea and methanol.

PLIPDECO is responsible for the infrastructure of the Estate, i.e. the roadway, drainage systems, water-mains, telephones, electricity lines and the allocation of sites to major facilities. The corporation's role also includes port development and management.

## X 2.8 National Fisheries Company

The National Fisheries Company is a state enterprise of which 51% is owned by the public sector and 49% by the private sector.

Established in 1972, the company operates its trawlers in both territorial and international waters. It is primarily a processing and marketing enterprise which is designed to handle fresh as well as frozen products. The company supplies both the local and export markets.

As a state enterprise, the National Fisheries Company is monitored by the Ministry of State Enterprises.

## X 2.9 Fisheries Division of the Ministry of Agriculture

The Fisheries Division of the Ministry of Agriculture, Lands and Food Production formulates and implements fisheries policy with the co-operation of government and private organizations. It is responsible for the acquiring, organizing and updating of information on the fishing industry whether it be commercial or recreational. It is also responsible for exploratory fishing, resource assessment and fishery management.

This Division provides advice to fishermen, and

other interested parties, on such aspects as location of commercial quantities of fish; fishing gear; equipment; methods; incentives; fish handling and preparation; nutritional value of fish and; training, which is handled through the Caribbean Fisheries Training and Development Institute (see Section 2.12).

The Division is also involved in the development and implementation of a fish marketing system and the provision of infrastructural requirements. This division establishes and controls fishing centres and is responsible for the development of coastal and inland aquaculture, including research and commercialization.

## ✓ 2.10 The Hydrographic Surveying Unit

The Hydrographic Unit of the Ministry of Agriculture, Lands and Food Production has as its main responsibility, the production, update and distribution of nautical charts and such nautical publications as coast pilots and tide tables.

However, this Unit is also responsible for the charting of off-shore structures; assisting in the demarkation of maritime boundaries; assisting in the positioning of off-shore navigational aids; conducting hydrographic surveys on the request of any Ministry or government agency and; maintaining records of all pertinent survey data.

delete { This Unit, recently created, carries out its tasks with the aid of one (1) hydrographic research vessel of 22 metres in length.



✓ 2.11 The Caribbean Fisheries Training and Development Institute .

The Caribbean Fisheries Training and Development Institute was established by Act No 59 of 1975. This Institute was originally a regional project with participation by Barbados, Guyana and Trinidad and Tobago in conjunction with UNDP/FAO with Trinidad and Tobago funding 50%, Barbados funding 25% and Guyana, 25%.

The Institute is designed to provide, in the long term, trained manpower to develop and maintain modern national fishing and shrimping fleets with the associated shore management.

UNDP, jointly with FAO, participated for four years during which time fishermen were trained to be captains, rigmen (mates), maintenance mechanics and crewmen. Shore-based management staff were also given short training courses.

However, for financial reasons, Barbados and Guyana ceased active participation in the Institute. Therefore, even though legally, the Institute is a regional one, Trinidad and Tobago has had to take a decision to finance it fully, primarily for nationals, however leaving room for continued regional participation.

The Institute is now run by a national management committee composed of representatives of the Ministry of Agriculture, Lands and Food Production, (whose director of Fisheries has been nominated as chairman); the Harbour Master's Division; the Institute of Marine Affairs; the

Coast Guard; Central Training Unit; Chief Personnel Officer; National Fisheries Company; National Training Board; the Seamen and Waterfront workers Trade Union and the Principal of the Institute. The practical running of the Institute is carried out by the principal who is responsible to the management board.

Active consideration is currently being given to upgrading the Institute into a Maritime Training College where, in addition to fisheries training, there will also be offered courses in basic safety; ratings for deck, engine and catering; upgrading for crews of droghers and specialized training courses of short duration. This project is being pursued with the assistance of the IMO.

#### 2.12 Customs and Excise Department

The Customs and Excise Department of the Ministry of Finance has been given some maritime responsibilities under the Merchant Shipping Ordinance, Chapter 18, No 5 of 1917, which is yet to be updated.

Under this Ordinance, the Comptroller of Customs is responsible for surveys of ships; the detention of unseaworthy ships; the approval of load lines; the investigation of casualties and; he is the Receiver of Wrecks. The Comptroller of Customs is also responsible for registration of ships under the Merchant Shipping Act of 1894, which has not yet been repealed.

However, despite the fact that the Customs and Excise Department is legally responsible for these functions, the department no longer executes them. Therefore, in the absence of the introduction of new legisla-

tion aimed at amending this situation, a void has been created, resulting in these tasks remaining unattended to for a number of years.

## ✓ 2.13 The Institute of Marine Affairs

The Institute of Marine Affairs (IMA) is run by a Council, which is the policy-making organ of the Institute, and a Board of Management, which manages the affairs of the Institute and implements the policy decisions of the Council. The Director of the Institute is appointed by the Board and is responsible for the general administration and management of the Institute. The Minister responsible for the IMA is the Minister of Finance and Planning. At present the Institute is financed solely by the government of Trinidad and Tobago.

In accordance with Section 5 of Act No 15 of 1976, which establishes the Institute, the functions of the IMA are:

- "(a) to conduct research on the condition of the marine environment in the Caribbean and adjacent regions;
- (b) to study and promote through studies the multiple uses of the sea, its resources and use potential in the Caribbean and adjacent regions and to evaluate such studies with a view to minimising possible conflicts which may result from such uses;
- (c) to establish in the Institute an information centre for the collection and dissemination of information relating to the economic, social, technological, scientific, environmental and legal developments in the marine

- area of the Caribbean and adjacent regions;
- (d) to analyse the relevant information for the purpose of identifying policy alternatives for Government policy-making in marine affairs;
  - (e) to respond to technical enquiries and questions made by policy-making organs of Government;
  - (f) to organize training courses and seminars on the subjects falling within the technical competence of the Institute, depending on the availability and specialization of consultants attached to other agencies, including the Executive Agency;
  - (g) to advise on the development and optimum utilization of the marine resource potential of Trinidad and Tobago;
  - (h) to take such action as may be necessary or expedient for the proper performance of its functions." /4/

#### ✓ 2.14 The Trinidad and Tobago Coast Guard ✓

The Trinidad and Tobago Coast Guard falls under the responsibility of the Ministry of National Security. However, it performs a number of maritime functions of which the principal ones are search and rescue, fisheries protection and marine environmental protection.

Although, legally, the national co-ordination of Maritime Search and Rescue (SAR) is the Harbour Master, in practise this job is carried out by the Coast Guard's SAR Operations Branch. The officers of this Branch man the Rescue Coordinating Centre (RCC) whose area of

responsibility covers approximately 60,000 square miles.

The Coast Guard has traditionally been given the responsibility for SAR, being the only authority equipped to carry out this function. With the use of their vessels, their paramedics and the Helicopter Division of the Ministry of National Security, the Coast Guard was able to respond to an average of 183 cases per year, during the period 1979 to 1985, of which an average per year of 131 cases were solved (see Appendix VI). A large amount of these cases have involved fishing vessels and, to a lesser extent, pleasure boats and inter-island coastal traders, the principal reasons being unsafe vessels and/or untrained seamen. At present, there is no law requiring any training in order to navigate a fishing vessel; no license is required to fish in the territorial waters; no age limits are stipulated for navigation of fishing vessels or pleasure craft; no limits on passengers and no periodic inspections of these vessels are provided for under the law. Therefore, in an effort to reduce these SAR statistics, Coast Guard officers have begun visiting fishing villages and lecturing to fishermen about safe practices.

The Scientific and Environmental Branch of the Coast Guard has the task of monitoring oil spills and cleaning them up when necessary, in accordance with the provisions of the National Oil Spill Clean-up Plan. This department is equipped with two (2) ten-metre spray booms; two (2) ships with dispersant carrying capacity of 7,000 litres each; and a store of dispersants and beach clean-up kits for oil only. At present, there are no penalties for dumping, so the Coast Guard, having no enforcement authority in this area, reports any dumping

witnessed to the Harbour Master and to the relevant agents.

In an effort to protect fishery resources, the Coast Guard dispatches fisheries patrols, who board and inspect fishing vessels found to be fishing in special fishing zones without the required permission. Inspections consist mainly of a look at the size of net, the size of catch being taken and the permit carried. The Coast Guard officers would usually issue warnings on the first offence, but would detain the vessel on the second offence, informing the relevant Ministry or Embassy of their action. However, in the absence of legislation imposing penalties for such offences, the action taken by the Coast Guard has little, if any, effect in preventing the repeat of such offences. In spite of the work carried out by the Coast Guard in fisheries protection, there seems to be little interaction between this department and the Fisheries Division of the Ministry of Agriculture, Lands and Food Production.

#### ✓ 2.15 The Pilotage Association of Trinidad and Tobago

The Pilotage Association of Trinidad and Tobago was established in 1938 as a limited liability company. There are now 17 pilots on staff and when pilotage is needed, the Association supplies the pilots for a fee which is charged per ton and is paid by the ship's agent.

The pilotage activities of the Pilotage Association are controlled by the Pilotage Authority. The Authority is responsible for the examination and certification of pilots; licencing and re-validation of licences; investigations into breaches of the Pilotage

Act and hearing cases, as necessary, of accidents involving pilots. The Harbour Master is ex-officio chairman of the Pilotage Authority.

#### 2.16 Caribbean Dockyard Ship Repair Facility

The Caribbean Dockyard and Engineering Limited is a ship repair facility which now operates at the site of the shipyard formerly owned by Swan Hunter Ltd. The site was bought and refurbished by Mustapha Engineering Ltd., a local private company. There is no government ministry or agency in charge of monitoring the activities of this company.

The dockyard began operation in January, 1986 and within its first three months of operation, seventeen vessels were repaired. At present, the dockyard operates a floating dock, which has been classified by Det Norske Veritas.

Lloyds surveyors are on site and vessels are now being recommended to be repaired at this facility. It is estimated that within the next two years, the yard will be in a position to start the construction of local fishing vessels. The yard is also equipped with a machine shop, a foundary, a sheet metal shop and an electrical shop, all of which are functioning effectively. Round the clock maintenance of the dock is currently on-going.

It is the intention of the management that, in the near future, this yard will be able to build fishing trawlers, tugs and small vessels of up to 500 dwt. It will also be able to repair vessels of up to 10,000 dwt.

## ✓ 2.17 The Shipping Association of Trinidad and Tobago

The Shipping Association of Trinidad and Tobago is a trade union which represents all companies and any other groups engaged in, or interested directly or indirectly in, the handling of cargo and passengers in any type of vessel. One of the Association's objectives is to co-operate, promote, facilitate and protect the interests of each member of the Association.

The Association, inter alia, collects and circulates statistics and other information on shipping to its members. It also undertakes the settlement of disputes between the Association and its workers by negotiation and endeavours to promote good relations generally between employers and employees.

## ✓ 2.18 National Committees with Maritime-Related Responsibilities

In an effort to execute its responsibilities in the Maritime field, the government of Trinidad and Tobago has deemed it necessary to establish the following national standing committees:

National Oil Spill Contingency Planning Committee  
Inter-Ministerial Committee on IMO Matters  
National Search and Rescue Committee  
Inter-Ministerial Committee on the Law of the Sea

### 2.18.1 National Oil Spill Contingency Planning Committee

This committee is chaired by the Special Adviser to the Minister of Energy and Natural Resources, who also



takes on the role of National Controller in the event of an oil spill.

Cognisant of the fact that 200,000 barrels of crude oil and petroleum products are transported within Trinidad and Tobago daily, of which 190,000 barrels are transported in the marine areas, this committee has formulated a clean-up plan designed to respond to oil spills on both land and sea. The committee co-operates closely with international agencies dealing with oil spill clean-up. Work is also being done on creating an effective Regional Oil Spill Contingency Plan.

#### ✓ 2.18.2 Inter-Ministerial Committee on IMO Matters

This committee is chaired by the Harbour Master and its principal responsibility is to review all IMO Conventions, Codes, Guides and Publications in order to advise government on their suitability and applicability to Trinidad and Tobago and to recommend on the desirability of accession to conventions. This committee is also given added responsibilities as the need arises.

#### ✓ 2.18.3 National Search and Rescue Committee

This committee is chaired by the Commanding officer of the Coast Guard. Its function is to advise government and assist the Coast Guard in the development and effecting of a Search and Rescue Plan compatible with both national and regional requirements and to determine the financial implications of the needs of the Rescue Co-ordinating Centre.

#### 2.18.4 The Inter-Ministerial Committee on the Law of the Sea

This Committee is chaired by the Permanent Secretary of the Ministry of External Affairs. Its purpose is to examine in detail questions relating to the Law of the Sea and, more specifically, the questions of maritime limits, fishing, scientific research, peaceful uses of the sea and pollution.

Although the Ministries of Energy, Agriculture, Legal Affairs, Office of the Prime Minister, Finance and National Security are represented on this committee, there seems to have been no representative of the Ministry of Public Utilities and National Transportation included in the membership of this committee.

#### 2.19 International Maritime Conventions to which Trinidad and Tobago has Acceded

As a member of the ILO, IMO and UNCTAD, Trinidad and Tobago has had to consider the desirability of acceding to the many maritime conventions adopted by these organizations. Consequently, Trinidad and Tobago, after evaluating such conventions have, to date, acceded to the following ones:

International Convention on the International Maritime Organization, 1945 (as amended) (IMO)

International Convention for the Safety of Life at Sea, 1974 (IMO)

Convention on the International Regulations for Preventing Collisions at Sea, 1972 (IMO)

Convention on the Facilitation of International Maritime Traffic, 1965 (as amended) (IMO)

International Convention on Tonnage Measurement of Ships, 1969 (IMO)

Convention on Load Lines, 1966 (IMO)

The Code of Conduct for Liner Conferences, 1979 (UNCTAD)

ILO Convention No 15 - Minimum Age (Trimmers and Stokers), 1921

ILO Convention No 16 - Medical Examination of Young Persons (sea), 1921

The United Nations Convention on the Law of the Sea, 1982

However, due to the lack of updated maritime legislation, most of these conventions have not yet been ratified under the law.

It should also be noted that there are a number of important conventions to which Trinidad and Tobago has not yet acceded due, inter alia, to the lack of personnel qualified to effectively evaluate such conventions. However, the country will soon have to take a decision on whether it will be a party to them or not. Some of the more important of these conventions include:

Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto

International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969

Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973

International Convention on Civil Liability for Oil Pollution Damage, 1969 and the Protocol of 1984 relating thereto

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 and the Protocol of 1984 relating thereto

✓ International Convention for Safe Containers, 1972

✓ Convention on Limitation of Liability for Maritime Claims, 1976

✓ Torremolinos International Convention for the Safety of Fishing Vessels, 1977

International Convention on Standards for Training, Certification and Watchkeeping for Seafarers, 1978

International Convention on Maritime Search and Rescue, 1979

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972

As a petroleum producing country oriented towards tourism and also involved in shipping, Trinidad and Tobago has to balance quite a few conflicting interests. It is very likely that some of the risks involved will be reduced through accession to some of the above-mentioned conventions. However, a detailed evaluation of the suitability of these conventions to serve the national and international needs of the country is necessary.

The effective co-ordination of the many activities discussed in this chapter and the detailed evaluation needed of the conventions produced by such international organizations as the IMO, ILO, UNCTAD, and UNEP, could be most easily achieved if Trinidad and Tobago were to establish a well-planned, well-organized and functional national maritime administration. Just such an administration is the subject of the remaining chapters of this study.

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## PART I I

### Chapter 3

#### TOWARDS THE FORMULATION OF A MARITIME POLICY

A glance at the maritime activities outlined in Chapter II, could possibly leave the reader with the false impression that a maritime administration, deficient as it may be, already exists in Trinidad and Tobago. However, if the word "administration" is substituted by its synonym "management" (used more frequently in private enterprise), the current maritime situation can be assessed more rapidly and with a greater degree of clarity.

Using this method, it can be easily seen that, while there does exist some management of fisheries, ports, shipping companies and pilotage services, each in isolation, there is no effective over-all management of the maritime affairs of the country from the national viewpoint. What is clearly needed is an organization, a department of the government, whose task would be to co-ordinate the existing maritime activities, filling in gaps where they exist, cutting out the overlap and performing some additional functions on behalf of the government.

The maritime activities of Trinidad and Tobago, through the use of this maritime department, would be co-ordinated in the national interest, for the long-term benefit of the nation as a whole. However, fundamental to the efficient functioning of this department, is the existence of a well-formulated maritime policy, supported by effective

maritime legislation, within whose parameters the maritime administrators will be expected to function.

Maritime legislation must be one of the first topics addressed in establishing a maritime administration in Trinidad and Tobago. At present, the Merchant Shipping Act of 1894 is still the only maritime legislation existing in the country. This Act, inherited from the British colonial period, was neither updated nor replaced to reflect the sovereignty of Trinidad and Tobago after 1962. Therefore, ships registered according to this Act, are registered as "British" ships and not as "Trinidad and Tobago" ships.

This Act also gives certain powers and responsibilities to the Comptroller of Customs (a traditional British custom) which, nowadays, are given to the maritime safety administration of a country. These include the survey of ships, the detention of unseaworthy ships, the registration of ships, casualty investigation, the inspection and approval of load lines and the receiver of wrecks. However, due to the increased responsibility and specialization of the Customs and Excise Department after independence, this Department has not been able, nor has it had the qualifications, to continue carrying out these functions. It, therefore, has become increasingly evident that a complete replacement of the 1894 Merchant Shipping Act is mandatory, in order for Trinidad and Tobago to resume the execution of these, and many other functions required under the various international conventions which this country has signed since its independence (See Chapter II, Section 2.20)

Future maritime legislation must also reflect the administrative structure within which these functions, as well as all the other responsibilities which naturally fall

on the government of a maritime country, would be executed. This becomes even more urgent when the country also consists of two islands whose dependence on fisheries and tourism, in itself, dictates the necessity to manage its maritime affairs efficiently. The importance of these resources must be balanced against the commercial importance of shipping and against the undisputed importance of maritime safety. This therefore, necessitates careful co-ordination and management by the administration, with the guidance of a well-formulated maritime policy, both of which must be reflected in the content of any maritime legislation drafted for the country.

In drafting a maritime policy, the administration must address certain essential issues. The department responsible for maritime affairs would have to work within the parameters laid down by the government's policy on these basic issues in order to effectively co-ordinate the maritime activities of the country. These issues include policies on shipping; maritime safety; pollution prevention and resource management; ports; training; relations with international organizations and; liaisons between local maritime related organizations.

### 3.1 Shipping Policy

Currently, Trinidad and Tobago is involved in three areas of shipping, each managed and operated by a different organization, resulting in little co-operation and, in some cases, open competition among them. These three areas involve extra-regional shipping, regional shipping and coastal shipping. With its increased involvement in shipping, it has now become imperative for the government to develop a policy in which it declares how it views the role



of these three shipping organizations in the long term development of the country, as well as how they should relate to each other in order that optimum benefit may be obtained for the economy.

Trinidad and Tobago has recently acceded to the UNC-TAD Code of Conduct for Liner Conferences and, in so doing, has indicated its goal of carrying 40% of its liner trade in its own vessels. This, therefore, requires a stated policy which would clarify how that goal may be achieved. This policy would reflect any incentives which would be given to nationals investing in shipping. It may also explore the possibility of encouraging shipping joint ventures. Such a policy may require that shipping be included in all bilateral trade agreements. All protectionist policies (eg. cargo reservation, subsidies etc.), if considered advantageous, should be included, as well as the government's policy towards the shippers of the nation.

Through its shipping policy, the government may also wish to rationalize its involvement in coastal shipping. It is necessary to know to what extent this aspect of its shipping involvement will be allowed to develop. Currently, the coastal trade mainly consists of the transportation of passengers and general cargo between Trinidad and Tobago. This route is highly subsidised and a policy decision must reflect whether this situation will be allowed to continue. Alternatively, the coastal trade can be expanded to include more profitable routes which would eventually help to finance the existing route which is an indispensable one. The government may wish to consider developing routes between Port-of-Spain and San Fernando for the transportation of passengers and cargo, in order to ease the congestion on the public roads. Thought may also be given to

expanding the coastal passenger trade to service ports in some of the neighbouring countries such as Venezuela and Brazil, in an effort to encourage the growth of tourism. In short, all the long term objectives of the government in coastal shipping should also be reflected in its shipping policy.

As a party to the U.N. Convention on the Law of the Sea, 1982, the provisions of which are now nationally binding, Trinidad and Tobago has an obligation, under Article 91, to fix the conditions for the grant of its nationality to ships and for the registration of such ships in its territory. These conditions must therefore be reflected in any national maritime policy document formulated in Trinidad and Tobago.

### ✓ 3.2 Maritime Safety Policy

Trinidad and Tobago has acceded to one of the most important international conventions on maritime safety, the Convention on the Safety of Life at Sea, 1974. Under this convention, the government has certain responsibilities which cannot be ignored, since doing so could eventually become quite costly to Trinidad and Tobago. This convention and others acceded to in this field, dictates, to a certain extent, the government's policy on maritime safety. However, there are still certain areas which need to be addressed in the drafting of this section of a maritime policy.

The policy on maritime safety should reflect the government's views on the detention of ships and under which circumstances such detention would be allowed; on wrecks and who will receive them on behalf of the government and how they would be disposed of; on port state control at the

local level and possibly eventually also at the regional level; on the division of responsibility between the maritime safety administration and the port administration with regard to safety within the port area; on casualty investigations, the degree to which they will be pursued; on safe handling of dangerous goods in the harbours and ports; on pilotage; on conditions for registration of ships and; on manning of Trinidad and Tobago ships solely by nationals, whether this would be a long-term objective or not. All these areas and more must be discussed in the national maritime policy before they can be included in the law.

### 3.3 Policy on Pollution Prevention and Resource Management

As stated earlier, Trinidad and Tobago are two islands, located in the Caribbean Sea, whose dependence on fisheries and tourism can no longer be ignored, especially in the face of the current oil crisis and the consequent reduction in revenue earnings. Thus, close attention must be paid to the impact of marine pollution on the environment and the need for careful management of its many resources. Even more than other Caribbean islands, Trinidad and Tobago must have a detailed, co-ordinated policy regarding pollution, because of the role petroleum plays in its economy. For, with resources such as fisheries, beaches and reefs on one side, there is the imminent threat of oil pollution on the other. This threat is even more increased due to the proximity of Trinidad and Tobago to the international tanker routes.

Therefore, any policy formulated on pollution prevention, control and clean up, must include a policy on the management, conservation and development of the marine resources. The policy must be balanced in such a way as to

enable the continued development of the oil and natural gas resources with their related industries while, at the same time, eliminating the threat which such development currently poses to the development of other marine resources. This can be done through the implementation of the many safety standards and controls proposed by such international organizations as the International Maritime Organization (IMO) and the United Nations Environmental Programme (UNEP).

Indeed, Trinidad and Tobago has an obligation not only to conserve and manage the living resources in its Exclusive Economic Zone (EEZ) but, under Part VII, Section 2 of the 1982 Law of the Sea Convention, that obligation also extends to the conservation and management of living resources on the high seas both from a national and a regional viewpoint. Under Part XII, Trinidad and Tobago has also accepted the obligation to protect and preserve its marine environment through preventing, reducing and controlling pollution from land-based sources; from seabed activities subject to national jurisdiction; from activities on the high seas; from dumping; from vessels and; from or through the atmosphere. However, although these provisions are now binding on Trinidad and Tobago, policy decisions must be taken on how the prevention and control of pollution of the seas, inland waterways, swamps and beaches from all polluting substances will be implemented nationally and what measures would be taken to conserve, manage and develop the many marine resources with which Trinidad and Tobago has been blessed.

### 3.4 Ports Policy

The port is one of the most important links in the chain of transportation. It is the nerve centre of the

country and any inefficiencies demonstrated therein are promptly reflected in the country's economy. A ports policy is, therefore, absolutely necessary for the future development of the port and of the country as a whole. Such a policy must reflect the national long term objectives of the country's ports in a co-ordinated, integrated manner, defining the role of each port and how they should relate to each other.

Currently, there are a number of ports operating outside of any form of control or co-ordination. This situation requires the establishment of some type of an organization (eg. a National Ports Authority) whose job it would be to co-ordinate and implement port policy and monitor the operation of the various ports of the country, in an effort to reduce duplication of investments and underutilisation of facilities. This organization may also be given the mandate to operate the smaller ports where no managerial structure exists. This organization's objective, which is to ensure that ports in Trinidad and Tobago operate efficiently and to the national benefit, should be reflected in the national ports policy.

### 3.5 Policy on Training

Due to the low priority accorded maritime matters since independence, a dearth of qualified personnel in this field has been created. There is, therefore, a need to train, not only seafarers, but also all the shore-based personnel involved in maritime affairs. These include the staff of shipping companies; the staff of government departments such as the proposed maritime affairs department, the department of fisheries and the environmental department and; the staff of port administrations.

Cognisant of these training needs in developing countries, many international organizations as well as several developed maritime countries, have created technical assistance programmes which are offered at little or no cost to these governments. In the light of current economical constraints, the government may wish to formulate a policy indicating the extent to which it intends to train its nationals and how it proposes to make use of the various forms of technical assistance available worldwide.

### 3.6 Policy on Relations<sup>1</sup> with International Organizations

As a member of all the international organizations involved in maritime affairs both at the regional and international levels, and in light of the increased awareness of the role of maritime matters in the affairs of Trinidad and Tobago, the government must now make its views clear regarding the quality of participation it intends to pursue in these organizations.

In view of the fact that the maritime field is a highly technical one, a representative without the in-depth knowledge required can create an undesirable situation for the country. A policy decision must, therefore, be taken on what form representation would take at the varied international meetings. That is, would it consist of diplomatic representation only; diplomatic as well as technical representation; technical representation only or; permanent representation by an expert in the field.

### 3.7 Policy on Liaisons between Maritime-Related Organizations

Due to the number of organizations in the country currently involved in maritime activities, the government must outline in its maritime policy, how these organizations should relate to each other and to the future maritime department which would be acting as the government's controlling arm. The policy should reflect, in detail, the role of the maritime department assigned to co-ordinate the maritime activities of the country as well as how such co-ordination should be effected.

### 3.8 Conclusion

Outlined in this Chapter are only a few of the areas in which policy decisions must be taken by the government of Trinidad and Tobago. All the issues discussed in the maritime policy document must also be harmonised with the various related policies already in existence in other government departments, as well as with the central policies of the government. Ample room must be allowed for the possibility of amendments to such policies in the future, since the world of maritime affairs is a rapidly changing one.

It is only when such a comprehensive document exists, and the maritime legislation is brought in line with the policies contained therein, that a maritime administration can function effectively.

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## PART III

### Chapter 4

#### FUNCTIONS OF THE PROPOSED MARITIME ADMINISTRATION

Any maritime legislation drafted for Trinidad and Tobago would necessarily contain the structure and functions of the governmental department expected to implement such legislation. One of the objectives of this study is to propose that the maritime administration be carried out by a department created under the Ministry of Public Utilities and National Transportation, which could be designated the "Directorate of Maritime Affairs".

This Directorate of Maritime Affairs, would consist of four divisions. These divisions would deal with general administration, maritime safety, shipping and maritime training. In view of the fact that the tasks entrusted to each division are inter-related, these divisions would be expected to work very closely together. This is the case particularly with the General Administration Division, since this Division would be serving the needs of all the other Divisions and would be expected to prepare the necessary background needed when submitting information or requests to the Cabinet.

Following is a detailed discussion of the various functions to be executed by the four divisions of the Directorate of Maritime Affairs.



#### 4.1 General Administration Division

One of the principal functions of this Division would be to formulate policies where none exist, and to review existing policies, recommending amendments where necessary. This must be done in close liaison with the other divisions and with all organizations involved in maritime-related matters.

Article 94 of the 1982 Law of the Sea Convention outlines certain duties to be carried out by maritime administrations of states which are party to it. It is important to note that para.1 of that article puts an obligation on member states to establish such a maritime administration to "effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag". Additionally, in accordance with paragraph 2 of that article, member states now have an obligation to register its ships and to assume jurisdiction under its internal law over each ship flying its flag. This, therefore, puts an obligation on Trinidad and Tobago, as a member state, to enact the necessary maritime legislation which would incorporate its registration obligations.

Assuming that legislation will soon be in place, the General Administration Division would be entrusted with the task of registering Trinidad and Tobago ships and keeping a ships register along with all the relevant documentation associated with such registration. Other legal services would be offered by this Division, including the review of international conventions to determine their legal implications. Legal advice on all maritime-related matters will also be available from this Division to any

government department or ministry needing such advice.

Trinidad and Tobago's involvement in both regional and international maritime affairs would be monitored by this Division. Its staff would be expected to update themselves on current changes, both locally and internationally, in maritime affairs, keeping records of all relevant information and statistics for distribution to and easy retrieval by, all persons employed within the Directorate.

In this Division, all research on development possibilities in shipping, ports, shipbuilding and ship repair, as well as other related areas, (including improvement of the maritime administration itself), would be conducted, and short, medium and long term plans developed. This could be done in liaison with the Planning Unit of the Ministry and the Institute of Marine Affairs. Documents outlining the results of any research undertaken, together with any recommendations or developmental plans, would be prepared and submitted to the other divisions for their comments, before being submitted to the higher authorities for any necessary approval.

This Division would be given the responsibility of managing a library where all relevant books, documents, newspapers, magazines etc., considered necessary for the efficient running of the Directorate, would be stored. In addition to the staff of the Directorate, such a library would be available to all government employees requiring such a service, as well as all employees of organizations involved in the maritime field.

Finally, the General Administration Division would

be required to manage the personnel needs of the entire Directorate. It would be responsible for the management of the clerks and other support staff used by all Divisions. It would be in charge of the accounts, the typing services and the supply of all materials necessary for the efficient functioning of the Directorate.

#### 4.2 Maritime Safety Division

The Maritime Safety Division is the Division which would be given the responsibility of ensuring that the territorial waters of Trinidad and Tobago are safe for navigation and that all ships leaving the ports of the country as well as all flag vessels, are seaworthy. This responsibility will be discharged in accordance with the relevant national legislation as well as the many safety standards prescribed by the international conventions on maritime safety. It must be emphasized that the majority of these conventions require even states which are not parties to ensure that their ships are safe to enter the ports of states which are parties to these conventions.

Article 94, paragraph 3 of the 1982 Law of the Sea Convention states that:

- "3. Every state shall take measures for ships flying its flag as are necessary to ensure safety at sea with regard, inter alia, to:
- (a) the construction, equipment and seaworthiness of ships;
  - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;

(c) the use of signals, the maintenance of communications and the prevention of collisions."

Paragraph 4 goes on to state that such measures shall include those necessary to ensure such things as surveys and inspections of ships; that each ship has on board a qualified master, and qualified officers and crew and; that investigations into marine casualties are conducted.

Additionally, the conventions on the Safety of Life at Sea, 1974, Load Lines, 1966 and Tonnage Measurement of Ships, 1969, to each of which Trinidad and Tobago has acceded, require the Maritime Administration to conduct surveys on newly built ships, initially as well as periodically, and all ships registered under the national register, as well as port state control inspections in all the ports of the country on all foreign ships entering national waters. The Maritime Safety Division would, therefore, be entrusted with these responsibilities.

This Division would also be given the responsibility of protecting the marine environment against pollution through the monitoring of situations which could possibly result in such pollution, whether that pollution be from oil or other matter. This would be done in accordance with the national pollution prevention legislation, a working knowledge of the relevant international conventions and in co-operation with the Coast Guard and the Institute of Marine Affairs. Contingency plans for all types of pollution would be prepared by this Division in close liaison with all relevant organizations. Articles 217, 218 and 220, which provide for the enforcement of anti-pollution regulations in territorial seas, EEZ's and ports, outline some of the functions of the maritime administration of Trinidad and Tobago as a flag state, a port state as well

as a coastal state. Provisions are also made, under Article 216, for enforcement with respect to pollution by dumping.

In addition, the staff of this Division would be required to monitor the handling of dangerous goods in all ports and in the territorial waters of the country.

Since most of the Search and Rescue undertaken in the waters of Trinidad and Tobago involve fishing vessels and pleasure craft, this Division would be expected to devise a system of ensuring the safety of these vessels. This may require that they be registered, equipped with basic safety equipment and subjected to safety inspections periodically. However, this would have to be supported by legislation, which would include the penalties for non-compliance. Such a system could be operated in co-operation with the Coast Guard.

However, even though all safety precautions are taken, casualties do occur from time to time. In the event of such an occurrence, this Division would be expected to conduct casualty investigations, submitting reports on its findings together with proposals on how the situation may be avoided in the future. This may require such things as amendments to existing legislation, increased efficiency of the division etc..

Every government has the responsibility of ensuring that its seafarers are properly examined and certificated. Since the majority of the persons employed in this Division would themselves be former seafarers, this Division would be most equipped to carry out this responsibility on behalf of the government. This Division could also

monitor the curriculum of the training establishments, ensuring that all the necessary areas are covered and making recommendations for amendments as the need arises.

Additionally, this Division would be given the responsibility for seamen's welfare, including registration of seamen, settlement of disputes arising between seamen and their employers, engaging and discharging of seamen etc.. This can be done in liaison with the Seamen's Union.

Finally, any additional matters connected with the safety of the waters and the marine environment of Trinidad and Tobago, including the disposal of wrecks and the protection, maintenance and replacement of navigational aids, would be assigned to the Maritime Safety Division.

#### 4.3 Shipping Division

The Shipping Division would be principally responsible for the development of national shipping through the formulation, implementation and updating of national shipping policies. In pursuing this objective, this Division would be required to study, in detail, Trinidad and Tobago's involvement in both extra-regional and regional shipping, liaising closely with shipping companies. Their financial viability and their developmental possibilities would be studied in depth. Any requests for financial assistance would be channeled through this Division where they would be studied before being submitted to higher authorities with suitable recommendations.

The Shipping Division's responsibility would also be extended to the development of coastal shipping. It is

proposed that the operation of the Government Shipping Service be removed from the mandate of the Port Authority and that this Division be given the responsibility of managing and operating such shipping. Any expansion of coastal shipping would be studied in detail by this Division and implemented once the necessary approval is secured. Such studies should be done in liaison with organizations such as the Tourist Board, the Ministry of Finance and Planning and the Ministry of Industry and Commerce.

This Division will also be responsible for monitoring the shipping conferences to which national shipping lines belong. They will be expected to liaise with any organized shippers needing to negotiate with such conferences. Through co-operation with the Ministry of Industry and Commerce and the Ministry of External Affairs, this Division would be expected to initiate methods of ensuring that national shipping companies would eventually be able to carry a fair share of the country's foreign trade. This can be facilitated through the inclusion of shipping as a subject to be discussed in all bilateral trade negotiations pursued through these two ministries.

#### 4.4 Maritime Training Division

The Maritime Training Division of the Directorate would be responsible for ensuring that all divisions, departments and governmental organizations involved in maritime affairs in Trinidad and Tobago are staffed by qualified personnel. This includes not only the Directorate itself, but also staff of shipping companies, seagoing personnel, port personnel, maritime trainers and pilots.

The Division, in accomplishing its task, would be

required to engage in manpower planning in order to ascertain how many people will need to be trained in the short, medium and long terms. The staff of this Division would then be entrusted with the task of securing such training, whether it be from national, regional or international institutions or through bilateral agreements with foreign governments possessing the required expertise.

To ensure that the staff of the Directorate is kept updated on developments in the maritime field, this Division would be expected to conduct in-house training with the use of films and lectures. This method of training may also be extended to include the support staff, who may not necessarily be trained in the maritime field, so that they may get a better appreciation of the value of work they are required to perform. The organization of short courses, seminars and conferences, open to all relevant organizations as well as other interested parties, will also be the responsibility of this Division.

Finally, the staff of this Division, through co-operation with the Ministry of Education would be expected to introduce the many possible careers available in this field, to the students of high schools and technical institutes. They would also be expected to advise the public, through the Ministry of Information and the Media, of the work being carried out in this field and of the need for their assistance in the prevention of marine pollution and the reduction of search and rescue statistics.

#### 4.5 Conclusion

It must be emphasised that none of the functions



of the Directorate can possibly be pursued in isolation. In addition to the co-operation which would be needed among the divisions of the Directorate and between the Directorate and the Ministry, there would also be the inevitable need for co-operation between the Directorate and other ministries and organizations involved in maritime related activities. Indeed, the major objective of the Directorate is co-ordination and this can only be achieved through a great deal of co-operation.

Co-ordination can be enhanced through the establishment of a Maritime Advisory Board made up of the chief executives of all the concerned ministries and organizations, whose task it would be to advise the Directorate, through the Minister, of possible methods of solving the various problems which may arise in the co-ordination effort. The possible organizations which should be represented on such an Advisory Board, as well as the organizational structure and qualifications of the staff of the Directorate itself will be discussed in detail in the following chapter.

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## Chapter 5

### ORGANIZATIONAL STRUCTURE AND STAFF OF THE MARITIME DIRECTORATE

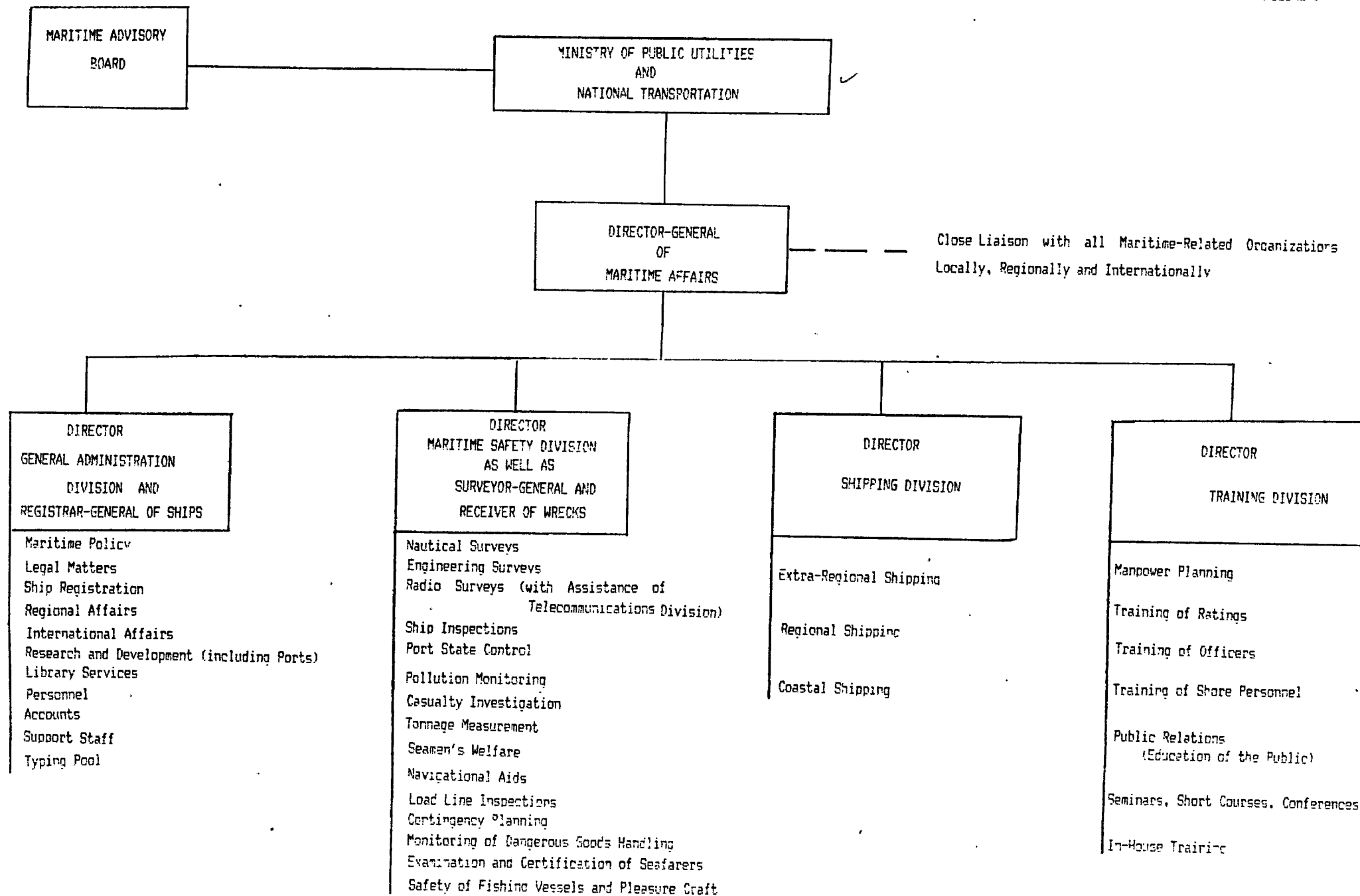
In developing the organizational structure of the Directorate of Maritime Affairs in Trinidad and Tobago, one must take into consideration the size of the country, its level of shipping involvement, its maritime tradition, and its economical constraints.

In the course of developing such an organizational structure, the ones existing in countries such as Sweden, Norway, Federal Republic of Germany, France, Canada and United Kingdom, were studied. Due to the size of these countries, their long maritime traditions and their high degree of involvement in shipping, the structure of their maritime administrations are accordingly very elaborate. Nevertheless, they are required to execute generally the same functions as do all countries involved in maritime activities.

Similarly, the organizational structure developed for Trinidad and Tobago must be one which best suits the needs of the country and which could easily fit into the governmental system already in operation. However, such an organizational structure must also incorporate all the functions the administration is required to execute (as outlined in the preceding Chapter). The structure should be kept to the minimum size possible to still guarantee effectiveness, yet this minimum should not be so large as to be overly costly.

# ORGANIZATIONAL CHART OF THE DIRECTORATE OF MARITIME AFFAIRS ✓

FIGURE 1



At Figure 1 is the organizational chart of such an administrative structure and the one which is being proposed, through this study, as the structure which is most adequate for Trinidad and Tobago, being one which could most easily be integrated into the existing system.

### 5.1 The Organizational Chart

In the proposed Directorate of Maritime Affairs shown at Figure 1, it will be observed that the Director-General is required to report to the Permanent Secretary of the Ministry of Public Utilities and National Transportation, as is the case with the other directorates falling under this Ministry (See Appendix IV). The Director-General would be assisted in his or her responsibility through the advice given by the Maritime Advisory Board. Additionally, he would be completely responsible for four Divisions, each headed by a Director.

In an effort to ensure effective co-ordination of the maritime activities pursued nationwide, it is absolutely necessary that the Directorate build very close ties with the organizations listed on the chart. Even though there will be co-operation established through the Maritime Advisory Board at executive level, working relationships must also be established at less senior levels with their counterparts in these organizations. In some cases Memoranda of Understanding may be adopted in order to enhance such co-operation, especially in the case of the non-governmental organizations.

The Maritime Advisory Board itself, the functions of which have already been discussed in Section 4.5 of Chapter 4, should comprise the chief executives of the

following organizations with the possibility of additional members being co-opted as the need arises:

Ministry of Public Utilities and National  
Transportation (Chairman)  
Ministry of Agriculture, Lands and Food  
Production  
Ministry of Finance  
Ministry of External Affairs  
Ministry of Industry and Commerce  
Ministry of Finance and Planning  
Ministry of Health and Environment  
Trinidad and Tobago Coast Guard  
Institute of Marine Affairs  
Tourist Board  
All Port Administrations  
Caribbean Fisheries Training and Development  
Institute  
National Fisheries Company  
Pilotage Association  
Shipping Association of Trinidad and Tobago  
Shipping Corporation of Trinidad and Tobago  
West Indies Shipping Corporation  
Caribbean Dockyard and Engineering Limited  
Seamen and Waterfront Workers Trade Union

This Board, whose function is primarily advisory, would not be required to meet very often once the Directorate has been established and is in full operation. However, more frequent meetings may be necessary in the initial stages.

After the administration has been established and fully functional, as the need arises, inter-ministerial

committees can be created, on an ad hoc basis, to deal with problems affecting any number of parties in the national maritime community.

## 5.2 Operational Aspects

It also became important to establish the degree of autonomy at which the Directorate should be allowed to operate.

Well known to those involved in the maritime field is the fact that the construction and operation of vessels is a venture which results in millions of dollars being spent. Also requiring an expenditure of vast sums of money is the cost incurred as a result of, inter alia, a collision or the detention of a vessel.

There would, therefore, be great financial implications for Trinidad and Tobago if a collision takes place in its waters, especially if such a collision results in pollution of the waters and shores, or in obstructing the navigational lanes used by vessels to enter the port. Similarly, enormous financial losses would be incurred by shipping companies if one of their vessels is detained in a port due to, for instance, unseaworthiness. In both these cases and many others like them, with each day that passes, the cost correspondingly increases.

It is clear, therefore, that once one has to address the subject of maritime affairs in general, and shipping in particular, it becomes imperative that quick decision-making possibilities be incorporated into the administrative system. Essentially, this requires the elimination of bureaucratic procedures in cases where

such procedures would cause costly delays. This need for quick decision-making would arise principally in the Maritime Safety Division and in the Shipping Division of the Directorate.

It is with this knowledge that it is proposed that the Directorate of Maritime Affairs be given a certain degree of autonomy, under the law, which would allow the possibility of making decisions rapidly, in cases requiring such decisions. The Director-General, however, could then be required to submit a full report to the Minister. In emergency situations, the Maritime Advisory Board, as a whole, or its chairman as its representative, would also be of extreme assistance to the Directorate.

#### 5.2.1 Budgetary Considerations

As is in the case with all the Directorates falling under this Ministry, the Directorate of Maritime Affairs will be assigned an operational budget. Such a budget should take into consideration the peculiar characteristics of the work to be undertaken by this Directorate. It should be large enough to allow for such contingency measures, as described earlier, which may require not only on-the-spot decisions but also the liberty to make such expenditure as may be necessary to support such decisions. The Director-General's budget limit may, therefore need to be adjusted to take this peculiarity into account.

The Directorate's Budget should also take into consideration the work of the Training Division wherein expenditure would be required for such things as documents and other materials used, films made, and seminars

and conferences organized. The Library, which is indispensable to the efficiency of this Directorate, would also require additional expenditure not required in other Directorates. Costs may also be incurred in the preparation of the various certificates which the Maritime Safety Division would be required to issue.

Additionally, it is proposed that a separate budget be given to the Director of the Shipping Division in order that he could effectively operate the Coastal Shipping Section of his Division.

However, it must be noted that some revenue can be expected through the collection of fines paid by violators of the various rules and regulations which would be enforceable under the future national maritime legislation.

### 5.3 The Staff of the Directorate

It may be observed that the title "Director-General" was chosen for the person in charge of the Directorate while the heads of the Divisions are referred to as "Directors". This was done purposely to demonstrate clearly the role which each has to play. It is very important that the qualifications of the Director-General, being the person completely responsible for the work of the Directorate, be of a wider scope and more general in nature. Hence the use of the title "Director-General". On the other hand, the heads of the Divisions have been called "Directors" because they are expected to be experts in their fields and professional in the management of their Divisions. The qualifications of the persons who should fill these posts, as well as those of



their staff, have been outlined in the remaining paragraphs of this Chapter.

#### 5.3.1 The Director-General

Although the Director-General may be specialized in any one of the many aspects of maritime affairs (eg. maritime law, seafaring, shipping management, shipping economics or maritime education), he must also be so trained as to have a good appreciation of all the other areas involved as well as their related fields. He must have a great deal of management experience and show a good understanding of co-ordination methods and how they can be applied to ensure the effectiveness of the Directorate's work. He must have a working knowledge of governmental procedures as well as those of private enterprise since both will be needed in managing the Directorate.

The Director-General must also have such qualities as would be needed to facilitate communication, not only with the Permanent Secretary and the Minister, but also with his subordinates and his counterparts in the organizations with which he would be required to liaise. In addition, it may be necessary for him to communicate with members of the public as well as with representatives of foreign shipping lines and international organizations.

The post of Director-General is, therefore, a very crucial one in which all the work of the Directorate comes together and where all the co-ordination effort is at its most important. Knowledge of the importance of the various fields involved in maritime affairs, as well as

the importance of Trinidad and Tobago's involvement in such fields, is indispensable to the person holding the post of "Director-General".

#### 5.3.2 The Directors

Each of the Directors of the Divisions of the Directorate must be an expert in his or her particular field. The Director of the Administration Division must be knowledgeable in governmental procedures and protocol, but trained in maritime administration.

The Director of the Safety Division must be a former master mariner trained in maritime safety administration.

The Director of the Shipping Division must be a person who has management experience gained through working in a shipping company or in other areas of shipping. This person must have a good knowledge of all that is involved in the profitable operation of shipping companies.

The Director of the Training Division must be a qualified educator but must also be trained in maritime education. He must have experience in conducting seminars and short courses and he must have knowledge of all the various careers which may be pursued in the maritime field.

Another important qualification which must be common to all the Directors is a working knowledge of the functions of all the divisions of the Directorate. They should all have management experience and they should all

know how to communicate well with their staff. They should be able to co-ordinate maritime activities nationally, through co-operation with each other and with their counterparts in all related organizations.

### 5.3.3 The Divisions

The qualifications of each person assigned to work in the Divisions must relate to their specific tasks. Therefore, in the Administration Division, there will be a need to have a person with a maritime law background, as well as persons trained in maritime administration. These persons should be exposed to the procedure involved in registering a ship; in drafting maritime policy; as well as be knowledgeable in international maritime affairs.

The present Harbour Master's Division is currently the country's maritime safety administration. It is important to note that, in the British colonial period it was sufficient to have a Harbour Master responsible for vessel traffic in the port and harbour. However, with independence, and the economical and trade development of the country, resulting in additional responsibilities caused by the increase in shipping and the number of ports, this title has now become inadequate. Indeed, worldwide the title of "Harbour Master" is associated with that person within the port administration who is responsible for vessel traffic control and the safe berthing of ships. Even though the title is still being used in Trinidad and Tobago, the functions of the Harbour Master's Division have evolved into maritime safety responsibilities only. Even so, not all the maritime safety functions rest with the Harbour Master. Due to the

fact that the outmoded Merchant Shipping Legislation has not yet been replaced, some maritime safety functions still rest with the Customs and Excise Department.

Additionally, although the Harbour Master's Division has evolved, the staffing of that Division remains inadequate to execute its many functions. Very few of the staff that this Division is required to employ in the execution of its functions, are trained in the field. This has contributed to the reasons why this Division has not been able to effectively execute some of the tasks it has been assigned.

The shortcomings of this Division have recently been acknowledged by the government and an effort is currently being made to train the Division's staff, in an effort to alleviate the problem. It is, however, a proposal of this study that the name "Harbour Master's Division" be changed to the "Maritime Safety Division" of the Directorate of Maritime Affairs.

However, it must be recognized that, in addition to training the existing staff, new personnel must be trained in order to fill the gaps which currently exist. This includes the employment of persons trained in the various types of surveys and inspections, as well as persons knowledgeable in all the various aspects of maritime safety, including pollution prevention and control, the use of navigational aids, casualty investigation, handling of dangerous goods and the examination of seafarers. It is important to note that, in an effort to avoid a conflict of interest a post must be created for a casualty investigator instead of leaving this job to marine surveyors.

The Shipping Division must be staffed by persons trained in shipping who are knowledgeable in regional and international shipping affairs. Persons employed in the Coastal Shipping Section must have experience working in a shipping company or must be trained in commercial shipping. They should have had some exposure to the operation of ferry services and some training in shipping economics, marketing and management. .

The staff of the Training Division must be experienced educators as well as have a good knowledge of the various careers available in the maritime field. These persons must also have some knowledge of manpower planning as well as some public relations training.

All the staff of each Division must also be aware of the work being pursued in all of the other Divisions and must be able to execute their specific duties with the assurance that they could rely on each other's co-operation as the need arises.

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## Chapter 6

### TECHNICAL ASSISTANCE AND TRAINING

The establishment of the proposed Directorate of Maritime Affairs must go hand in hand with a training programme aimed at staffing such an organization. However, due to the financial implications of such a training scheme, consideration must be given to the available means of obtaining the necessary training at minor cost to the government. Therefore, an examination of the various sources of technical assistance available to Trinidad and Tobago in this field, can be helpful.

Thus, the remainder of this Chapter will be devoted to an examination of the training needs of the proposed Directorate and of the sources of technical assistance available worldwide, to fill such a need.

#### 6.1 Training Needs

As a result of the extreme lack of qualified persons in Trinidad and Tobago in the field of maritime affairs, the training programme created to reverse this situation must be an intensive and, in some cases, extensive one. The areas in which training is needed are as follows:

Maritime Administration: This training is one in which the recipient is given in-depth information on all aspects of maritime affairs and its administration, both governmental and commercial. However, even within this

category, there should be some persons trained in a little more detail in areas such as ship registration, maritime policy and maritime law. Maritime administrators would also need to be exposed to regional maritime affairs, international maritime affairs and port administration.

**Maritime Safety:** In this technical-oriented field, in addition to training in all aspects of maritime safety, there will be the need for some persons to be given in-depth training in nautical surveys, engineering surveys, pollution prevention and control, casualty investigation and the handling of dangerous goods. Exposure will also be needed, through working attachments, in such areas as load line inspections; tonnage measurement; placement and maintenance of navigational aids; contingency planning; examination and certification of seafarers and; safety of small craft.

**Shipping:** Training in this category must be from a governmental as well as a commercial viewpoint. It will be necessary to have the persons, destined to staff this Division, trained in all aspects of commercial shipping with special emphasis being placed on coastal shipping. Since some of the staff of this Division will have had some previous experience in running the Government Shipping Service, short-term training will be needed to upgrade their knowledge. All staff will also have to be exposed to the governmental as well as regional and international aspects of shipping.

**Maritime Education:** In order to fill the need for staff trained in this field, it is proposed that persons who are already trained educators be exposed, through short-

term training, to the various areas involved in maritime affairs in general and in maritime education in particular. However, some efforts are currently being made to establish a national maritime training institute in Trinidad and Tobago, therefore long-term training in Maritime Education will nevertheless be required to staff this institution.

In view of the length of time it would take to satisfy all the training needs of the directorate, such training should take place on a phased basis.

#### 6.1.1 Phase 1

Since the inception of the World Maritime University, Trinidad and Tobago has sent six (6) government officials to train in the fields of Maritime Safety (2 persons), Maritime Administration (3 persons) and Maritime Education (1 person). Two of these officials graduated in 1985 and three more are expected to graduate in 1986. The sixth will graduate in 1987.

These students can help to form the core of personnel used to set up the Directorate and begin the execution of its many functions. The present Harbour Master's Division should be integrated into the directorate at this point, since some expertise and experience already exists within this Division. The main task of this core of personnel would be to formulate maritime policy and assist in the harmonization of all maritime legislation, existing as well as proposed, for Trinidad and Tobago.

During this period, additional personnel should



be sent to the World Maritime University to study Maritime Safety Administration (2 persons), Maritime Education (2 persons), Maritime Administration (2 persons) and Technical Management of Shipping Companies (2 persons). Long-term training at other institutions in the various aspects of shipping and maritime law should also begin.

Phase 1 of the training should last no longer than 3 years, at which time the Directorate should be fully established, even though it would still be lacking in the quantity of qualified staff it needs.

#### 6.1.2 Phase 2

At the end of the initial three-year period, the personnel sent for training would have returned to join the initial core of personnel, and the Directors of each Division could easily be selected. These Directors would be expected to perform most of the functions of their Divisions which are humanly possible with the staff available.

However, additional personnel would need to be trained in order to ensure that each Division obtains its full complement of staff, although the exact quantity can only be determined as the work progresses. It is at this stage that most of the short term training and attachments of six months to one year duration, is envisaged. This training would be in such areas as surveying, casualty investigation, contingency planning, handling of dangerous goods, ship registration and coastal shipping.

The persons sent on such training would return to work in their respective divisions, not only specialized

in their particular fields, and able to carry out their specific duties, but also able to confidently and accurately give any advice to the Directors and Director - General which they may need. This phase should last for a period of not longer than two years.

#### 6.1.3 Phase 3

By the time Phase 2 has been achieved the Directorate would be functioning effectively with the quantity and quality of staff it needs. At this time, it will only be necessary to pursue periodical training, aimed at upgrading the knowledge of all the staff on any changes in the world situation requiring modifications in their functions. This will be an on-going process which cannot be eliminated if the Directorate is expected to operate efficiently. It must be noted, however, that while one phase is in progress, another phase may begin.

In a matter of four to five years, therefore, it is expected that the proposed Directorate of Maritime Affairs will be fully functional. However, even though the amount of training needed is extensive, it does not necessarily have to be an expensive venture. Indeed, there will be a cost incurred in having to pay salaries to such persons, but, since most of the personnel staffing the directorate would have already been in the government's employ, such costs will be comparatively minimal.

Additionally, to further minimise costs, advantage can be taken of the various forms of technical assistance offered by international organizations and by those countries whose policies are geared towards assisting developing countries through technical assistance.

The sources of such technical assistance is the subject of the remaining paragraphs of this Chapter.

## 6.2 Technical Assistance

The major international organizations offering the type of technical assistance needed to train the staff of the Directorate are, the IMO, the UNCTAD and the ILO. Technical assistance is also offered by individual countries such as the Federal Republic of Germany and Canada. Also, through bilateral agreements, assistance may be obtained from additional countries such as the United Kingdom and Norway. All of these countries have long maritime traditions. However, for the purpose of this study, only the technical assistance available through the international organizations mentioned, as well as through Canadian training programmes, will be reviewed.

### 6.2.1 The International Maritime Organization (IMO)

Trinidad and Tobago has already been the recipient of technical assistance from the IMO. This has been mainly in the form of visits of IMO consultants and fellowships to the World Maritime University.

Consequent upon a visit by the Secretary-General of IMO to Trinidad and Tobago, at which time an Aide Memoire on Technical Assistance was signed, two consultants and one regional adviser was sent to Trinidad to evaluate and make recommendations to government in the areas of maritime training, maritime legislation and maritime safety. Two consultants subsequently visited the country for a two-week period each, and their reports and

recommendations are currently being studied by the government. A regional adviser on maritime safety, assigned to serve the entire CARICOM region, is also currently serving a two-year attachment, the headquarters of which has been placed in Trinidad.

In addition to advice, the IMO has also facilitated the training of four Trinidad and Tobago government officials at the World Maritime University, through fellowships funded by donor countries and organizations, which are members of the IMO. Two additional students were trained at the World Maritime University at the expense of the government.

The IMO is concerned with the technical aspects of maritime affairs. Therefore, assistance can be obtained through this organization, for specialized training of deck and engine surveyors, tonnage measurement inspectors, load line inspectors, pollution prevention and control officers, as well as training in such areas as safety of fishing vessels and other small craft; handling of dangerous goods; port state control; casualty investigation and; shipbuilding and repair. Additional training at the WMU can also be secured through the IMO in the subject areas covered by that University.

#### 6.2.2 UNCTAD

The United Nations Conference on Trade and Development (UNCTAD) was established, inter alia, to assist developing countries in surmounting the obstacles they encounter as they increasingly become involved in international trade as a result of, in most cases, their recent emergence into a state of self-determination, as

well as to ease the consequent problems faced by these countries in their struggle with economic development.

With this global objective in view, the UNCTAD Committee on Shipping has been working on methods to overcome the financial and managerial lacuna existing within those developing countries which have become more directly engaged in national maritime transportation. The Committee's methods consist mainly of making available to such countries various forms of technical assistance and training funded, in most cases, by the UNDP as well as by donor countries.

The technical assistance and training offered by the Committee on Shipping which is of most relevance to this study, consist of fellowships, study tours and the availability of the SHIPASSIST Directory to developing countries.

The fellowships and study tours, which last for a period of two weeks to one year, are offered to junior, middle and senior managers. Such training covers the managerial requirements of the shipping and port sectors.

The SHIPASSIST Directory compiled by the UNCTAD, is available to developing countries to be used as a guide in the selection of suitable bilateral and multi-lateral sources of technical assistance, outside of the UNCTAD, in the shipping and ports sectors. The technical assistance offered involves training, consultancy services and project funding. The organizations contained in the Directory have agreed to make their studies available either free of charge or on concessional terms.

It should be noted also, that advice from the

Committee on Shipping is available in such matters as national shipping policies; feasibility studies for ship acquisition; organization of the shipping sector; shipping investigation unit; commodity groups and shippers' councils; fleet operations and management; organization of ports at national and local levels; port planning; drafting of national maritime codes and; multimodal transport organization and management.

#### 6.2.3 International Labour Organization (ILO)

The ILO is concerned with all aspects of the conditions of work and life of seafarers. With this in view, this organization offers fellowships; study grants and awards for training abroad and; regional and inter-regional training courses and seminars in the areas of, inter alia, maritime manpower planning; vocational training and certification and; seafarers' welfare.

#### 6.2.4 Transport Canada's Maritime Training Assistance Programme

Transport Canada is the Canadian government department responsible for all modes of transportation in Canada. Its Maritime Training Assistance Programme was designed to assist in the development of marine personnel, specifically in Caribbean Countries. This is done through training offered at the various training centres under Transport Canada's responsibility, of which the Coast Guard College in North Sydney is one. Courses are also conducted on site in Caribbean countries as the need arises.

The training offered through the Maritime Train-

ing Assistance Programme is available to candidates selected by governments. A Memorandum of Understanding between the Canadian government and the government of the particular Caribbean country is required. The cost of the training is borne by the Canadian government, through the Canadian International Development Assistance Programme (CIDA).

The training available to the staff of the proposed Directorate of Maritime Affairs, through this programme, includes pollution countermeasures and control; basic training for new instructors; marine surveying; marine emergencies management; small boats safety and; training for the crew and commander of the patrol craft which will be used by the Maritime Safety Division.

It should be noted that, through bilateral agreements, attachments to the Canadian Coast Guard's Ship Safety Branch, may be possible for some staff members of the Maritime Safety Division. In this connection, it should be emphasised that the Canadian Coast Guard, which is mainly responsible for maritime safety administration in Canada, is a civilian organization and not a military one.

Training in casualty investigation, through an attachment to the Casualty Investigation Branch of Transport Canada, may also be possible through bilateral agreements.

Similar avenues could be explored with such countries as the Federal Republic of Germany, Norway, the Netherlands and the United Kingdom. Possibilities of such attachments may be investigated through these countries'

embassies in Trinidad, using the necessary channels of communication.

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## Chapter 7

### CONCLUSION

With the acceptance of such international conventions as the Law of the Sea, SOLAS, and the Code of Conduct for Liner Conferences, the government of Trinidad and Tobago has demonstrated to the international community its willingness to accept the many obligations laid down by these conventions among others. Consequently, the responsibilities of the government towards its nationals and the maritime world alike have now increased beyond those envisaged in the times when Trinidad and Tobago, as a newly independent nation, was unable to involve itself deeply in the now highly technical area of maritime affairs, wherein a lack of training could result in a disaster equalling expenditures of millions of dollars. Needless to mention, in the current situation of decreased revenues from the oil sector, such expenditures can no longer be afforded by this country.

Trinidad and Tobago is currently at a critical stage of its national development in which a co-ordinated approach to the management of its various marine resources must now be considered as an important aspect of such development. No longer can one or two persons at ministerial level together with an inadequately staffed Harbour Master's Division be expected to perform the many administrative functions now required of the government of a nation with extra-ordinary maritime interests. The inefficiencies and lack of co-ordination caused by the present administrative arrangement are uneconomical and

may, in some cases, cause unnecessary embarrassment to the nation as a whole.

The 1982 Law of the Sea Convention recently acceded to is, in particular, a convention which should not be taken lightly by any developing country, for it is a convention from which such countries can derive many benefits. The convention imposes certain obligations on member states requiring them to develop the type of maritime infrastructure necessary to execute these obligations.

It is timely for Trinidad and Tobago to reorganize its maritime infrastructure and strengthen it, through the establishment of an adequate maritime administration such as the one proposed in this study. To assist in this task the following proposals and recommendations are offered:

1. The administration of maritime affairs in Trinidad and Tobago should be executed through a department of the Ministry of Public Utilities and National Transportation, which would be called the "Directorate of Maritime Affairs". This Directorate should be organized as demonstrated in the Organizational Chart on page 52. The functions of the Directorate are briefly discussed in Chapter 4 and are not intended to be restrictive.
2. The Directorate of Maritime Affairs should be given a semi-autonomous status, as well as special budgetary considerations, as outlined in Section 5.2 of Chapter 5.

3. A task force should be constituted, comprising the existing personnel already trained in the various maritime-related fields. This task force should include the recent graduates of the World Maritime University. Such a task force could form the initial staff of the Directorate.

The major function of this task force would be to lay down the infrastructure of the Maritime Directorate, through the formulation of national maritime policies (of which guidelines can be found in Chapter 3), as well as through the harmonization of existing and newly enacted Maritime legislation.

4. The Division presently known as the Harbour Master's Division should be renamed the Maritime Safety Division and be integrated into the newly established Directorate of Maritime Affairs. This Division should continue carrying out its present functions until such time as existing laws are amended or replaced and adequately trained personnel can be added to the Division's staff.

5. A Maritime Advisory Board should be constituted as outlined on page 50. The job of the Advisory Board would be initially to guide the task force in their duties and eventually to give advice to the Director-General, through the Minister, on methods of solving those problems which may arise in his effort to co-ordinate national maritime activities.

6. The Government Shipping Service should be removed from the responsibility of the Port Authority and integrated into the Shipping Division of the Directorate. The personnel currently employed in that service should be

then re-assigned to the Coastal Shipping Section of the Shipping Division.

7. The Directorate of Maritime Affairs should be required to liaise very closely with all national and international organizations involved in maritime affairs.
8. A manpower plan should be prepared by the task force in order to determine the quantity of personnel needed to be trained to make the Directorate fully functional. The training approach discussed in Sections 6.1.1 to 6.1.3 of Chapter 6, could be considered.
9. In the attempt to fullfil the training needs of the Directorate, advantage should be taken of the various forms of technical assistance available worldwide, some of which are discussed in Section 6.2 of Chapter 6.

Cognisant of the fact that absolutely no administrative structure is presently in place in Trinidad and Tobago which permits governmental maritime functions to be executed, this manual was created with the aim of giving the relevant authorities some type of an indication of the type of structure needed and how it may be attained.

As was quite aptly pointed out by Dr Cuthbert Joseph in a speech which he delivered on the occasion of World Maritime Day 1985, (of which the theme was "Maritime Search and Rescue"):

" more important is the development of our national capability, at all levels, to enable our people to be more secure in the greater use of the sea."

However, in addition to enabling the people of Trinidad and Tobago to be more secure in the greater use of the sea, such a national capability will ensure the co-ordinated development, exploitation, management and conservation of our many marine resources, which would result in a reduction of expenditure as well as increased revenues for the long-term benefit of the nation.

The time is, therefore, now ripe for Trinidad and Tobago to take the necessary action to ensure the development of its national capability as a maritime nation and, the establishment of an adequate maritime administration can be viewed as simply the beginning of such a developmental process.

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Convention on a Code of Conduct for Liner Conferences, 1979  
Convention on Collision Regulations, 1972  
Law of the Sea Convention, 1982

## APPENDIX I

### Officials with whom Interviews or Discussions were held

Dr.Cuthbert Joseph	- Minister of Public Utilities and National Transportation
Ms.J.Alcantara	- Permanent Secretary, Ministry of Public Utilities and National Transportation
Ms.I.Nicholson	- Shipping Advisor, Ministry of Public Utilities and National Transportation
Ms.D.Eversley	- Administrative Cadet, Ministry of Public Utilities and National Transportation
Lt.Cmdr.G.Arnold	- Harbour Master
Lt.Cmdr.K.Mohammed	- Trinidad and Tobago Coast Guard
Mr.Hugh Hinds	- Special Advisor to the Minister of Energy and Natural Resources
Mr.Philip Sealey	- Director, Marine Affairs Division, Ministry of External Affairs
Mr.A.Lawlor	- General Manager, Shipping Corporation of Trinidad and Tobago
Mr. Chang	- Chief Accountant, West Indies Shipping Corporation
Mr.C.Jordan	- Ag. Director, Fisheries Division, and Principal, Caribbean Fisheries Development Institute
Dr.N.Masson	- Director, Institute of Marine Affairs
Ms.S.Jalopsingh	- Shipping Association of Trinidad and Tobago
Mr.J.Jeoffroi	- Chief Pilot, Pilqtage Association of Trinidad and Tobago
Mr.K.Baboolal	- General Manager, Caribbean Dockyard and Engineering Limited
Capt.Rial	- IMO Regional Advisor on Maritime Safety

## APPENDIX II

### List of Regional Organizations of which Trinidad and Tobago is a Member

The Caribbean Community and Common Market (CARICOM)  
The Latin American Economic System (SELA)  
The Caribbean Development Bank (CDB)  
The Caribbean Food Corporation (CFC)  
The Caribbean Multilateral Clearing Facility (CMCF)  
The Caribbean Aid Council (CAC)  
The Economic Commission for Latin America and the Caribbean  
(ECLAC)  
The Caribbean Development and Co-operation Committee (CDCC)  
The Latin American Group of Sugar Exporting Countries  
(GEPLACEA)  
The Latin American Energy Organization (OLADE)  
the Organization of American States (OAS)  
The Informal Consultation of Energy Ministers of Oil  
Exporting Countries in Latin America and the Caribbean  
(GIPLACEP)  
The SELA Committee for Supporting Action to Achieve Economic  
and Social Development in Central America (CADESCA)



## APPENDIX III

(PAGE 1)

### List of UN Organizations To Which Trinidad And Tobago Belongs

#### United Nations Bodies

The Advisory Committee on Administrative and Budgetary Questions (ACABQ)

The Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and its Sub-Committee on Small Territories

The Special Committee against Apartheid and its Sub-Committee on Petitioners and Information and its Task Force on Women and Children under Apartheid

The United Nations Commission on International Trade Law (UNCITRAL)

The Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

The Committee on Information to Review United Nations Public Information Policies and Activities

#### The Economic and Social Council

The Commission on Status of Women

The Commission on Transnational Corporations

The Committee for Programme and Co-ordination (CPC)

The Committee on Natural Resources

The United Nations Conference on Trade and Development (UNCTAD)

The United Nations Environmental Programme (UNEP)

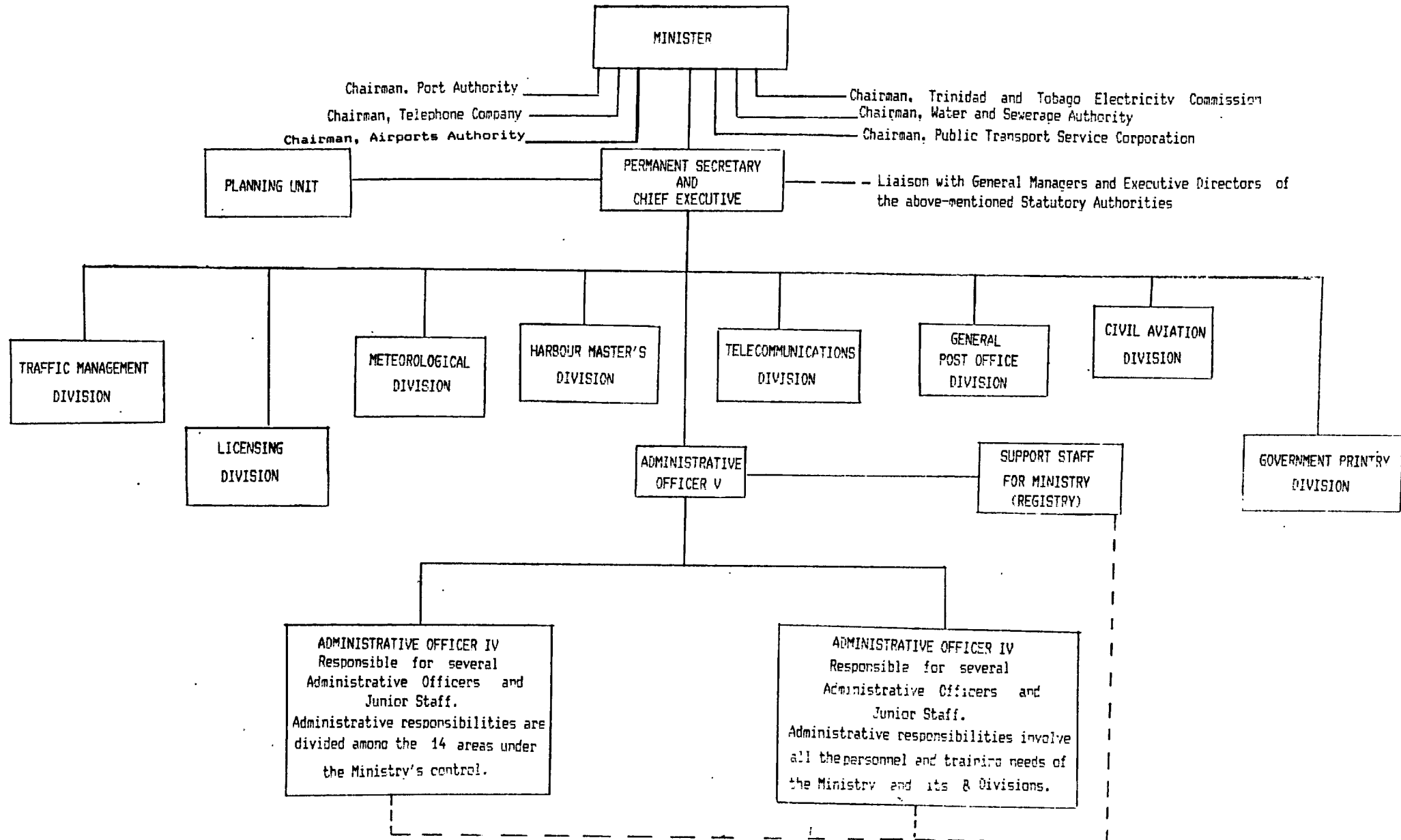
Trinidad and Tobago is currently a member of the Security Council of the UN.

### APPENDIX III

(PAGE 2)

#### Specialized Agencies

The Food and Agriculture Organization (FAO)  
The International Civil Aviation Organization (ICAO)  
The International Labour Organization (ILO)  
The International Maritime Organization (IMO)  
The International Monetary Fund (IMF)  
The International Telecommunications Union (ITU)  
The United Nations Educational, Scientific and Cultural  
Organization (UNESCO)  
The Universal Postal Union (UPU)  
The World Health Organization (WHO)  
The World Meteorological Organization (WMO)  
The General Agreement on Tariffs and Trade (GATT)  
The United Nations Industrial Development Organization  
(UNIDO)



## APPENDIX V

### Private Ports in Trinidad and Tobago

<u>Location</u>	<u>Operator/Authority</u>
Brighton/La Brea	Trinidad Lake Asphalt Co. Ltd. and Texaco Trinidad Inc.
Carenage/Tembladora	Alcoa Steamship Co
Chaguaramas/Point Gourde	Chaguaramas Terminals Ltd.
Chaguaramas	Trinidad Salt Company Ltd.
"	Trinidad Distillers Ltd.
"	Trinidad and Tobago Foundary and Fabricating Ltd. (Dockyard)
"	Amoco Trinidad Oil Co.
Claxton Bay	Trinidad Cement Ltd.
Cronstadt	Barytes and Minerals Ltd.
Galeota Point	Amoco Trinidad Oil Co.
Point-a-Pierre	Texaco Trinidad Inc.
Point Fortin	Trinidad and Tobago Oil Co. Ltd.
Point Lisas/Goodrich Bay	Caroni Ltd.
Point Lisas/Savonetta	Federation Chemicals Ltd.
Port-of-Spain/East Sea Lots	National Petroleum Co.Ltd
Port-of-Spain/Kings Wharf Ext.	Trinstorres Ltd.
Port-of-Spain/West Sea Lots	Industrial Development Corporation
Port-of-Spain/Sea Lots	National Fisheries Corporation
Port-of-Spain/Sea Lots	International Foods Ltd.
Port-of-Spain/West Sea Lots	Caribbean Salvage Ltd.
Sobo/La Brea	Trinidad Tesoro Ltd.

Source: National Port Development Programme Study, Vol II-  
July, 1980 by Netherlands Engineering Consultants

# APPENDIX VI

## Search and Rescue Statistics From 1979 to 31st Dec. 1985

<u>Year</u>	<u>No. of Cases Reported</u>	<u>No. of Cases Solved</u>	<u>No. of Cases Unsolved</u>
1979	140	110	30
1980	236	201	19
1981	108	82	16
1982	165	123	25
1983	182	101	35
1984	234	156	37
<u>1985</u>	<u>217</u>	<u>147</u>	<u>39</u>
<u>TOTAL</u>	<u>1282</u>	<u>920</u>	<u>201</u>

## Breakdown of Type of Cases Requiring SAR

<u>Year</u>	<u>Surface Craft</u>	<u>Medical Cases</u>	<u>Air Craft</u>
1979	-	-	-
1980	220	15	1
1981	98	10	0
1982	148	17	0
1983	136	45	1
1984	193	41	0
1985	186	31	0

Source: Trinidad and Tobago Coast Guard